

BOOK REVIEWS.

AN EPITOME OF PERSONAL PROPERTY LAW. By W. H. HASTINGS KELKE. London: Sweet & Maxwell, Limited, 3 Chancery Lane.

In a little book of 144 pages the author gives us a brief but comprehensive summary of the law of "things." It is intended as a sequel to and complement of an "Epitome of Real Property Law," from the same pen and forms one of the series of students' law books, which Maxwell & Co. have recently been getting out. Taken as a whole the book seems to us likely to prove far more useful to the active practitioner than to the students, for whose service it is primarily designed. Our reason for this assertion is that, as is the case with all "epitomes," it covers the ground with haste and pays but slight attention to detail. It is not enough in our judgment for a legal writer to state general rules and their main qualifications; but we consider such statements useless to the student, unless accompanied by an explanation, brief if you will, yet measurably clear.

Thus at page 19, § 2, under the general subject of "Bailment," in the chapter on Qualified Property, the subordinate subject of "Pledge" is defined, explained and left thus: "Pledge at C. L. gives right of possession while debt is unsatisfied, and right of sale if debt is not paid in stipulated time (if any), otherwise after demand and reasonable notice."

The book will doubtless be valuable as a handy compendium of the law of Personal Property, though it is so permeated by English statutory modifications of the common law that we fear its usefulness will be largely confined to our brethren "across the pond."

It gives us pleasure, however, to speak with unqualified commendation of two novel and pleasing features which the book contains. In making up the "List of Cases" which precedes the volume the author has added to each case-name a short summary of the citation (see p. 9), thus: "*Barney v. United Telephone Co. (patent infringement)*, 28 Ch. D. 394." This little addition to the usual form, imparts life to the whole list and enables one at a glance to see the law therein represented instead of presenting to the eye a column of names, meaningless until dug out of the ensuing pages.

The other attractive feature consists of a careful "analysis" of the whole book (see p. 141). In the case of a law book we think that a *good* analysis is always helpful, and it is to be

regretted that too few authors appreciate the fact that a little extra labor in this direction is more than compensated for by the increased value which it gives to their work.

T. J. G.

TRADE UNION LAW AND CASES: A TEXT-BOOK RELATING TO TRADE UNIONS AND TO LABOR. By HERMAN COHEN, Barrister, and GEORGE HOWELL, F. S. S. London: Sweet & Maxwell, Limited.

This book will, we doubt not, be of great use to English workmen and lawyers, while to everyone else it will prove decidedly interesting. The work consists of an introduction in which Mr. George Howell, the well-known sociologist, briefly reviews the legislative history of British trade unions from the repeal of the "Combination Laws," in 1824, until the passage of the "Conciliation Act," in 1896. Following this introduction is the text of all the Acts of Parliament affecting Trade Unions, from the "Trade Union Act," of 1871, till the present day. This text has been carefully annotated, by Herman Cohen, Esq., of the Inner Temple, with notes of and comments upon all judicial decisions decisive or explanatory of the same. The "Appendix" contains a full set of forms prescribed by the English law for the use of unions in complying with the provisions of the "Union Acts" for a system of registration and governmental supervision. It may not be out of place to note here some facts regarding the legal history of English unions gathered from Mr. Howell's excellent introduction (see pp. 1-47).

Until the repeal of the "Combination Laws" in 1824, trade unions were illegal in Great Britain, one of their purposes, that of instituting and maintaining strikes being held to be "in restraint of trade." Mr. Howell points out that even while the "Combination Laws," were in force "Restraint of Trade" was legal and had been for centuries, first, under the old Guild Ordinances and later under the Statute of Laborers and subsequent legislative enactments. After 1824-25, however, trade unions were permitted to exist, though totally unprotected, as to their funds and investments, which were entirely at the mercy of unscrupulous and untrustworthy officials. So serious a defect was this felt to be that English labor leaders employed all their energies for years to remedy it, but without effect, till in 1868 they succeeded in passing what is known as the "Recorder's Act" as a "rider" to the Hon. Russell Gurney's "Co-Partnership Bill." This act provided for the criminal prosecution of defaulting union officials, but afforded no means for the recovery of misapplied property or embezzled funds.

Ample relief was, however, obtained by the passage of the so-

called "Trade Union Acts" of 1871-76, which together form the Magna Charta of the British workingman. These wise and salutary laws permit freely the formation of unions and secure to them complete protection, both in the criminal and civil court, exacting in return compliance with certain requirements as to registration and supervision, which place them in relation to the Home Office in a situation somewhat analogous to that occupied by our own National Banks towards the Comptroller of the Currency. Thus, while the violent tendencies of the professional agitator are curbed with a firm hand, a policy of dignified resistance against oppression is wisely fostered. Furthermore, the benevolent purposes of unions, *e. g.*, the relief of sick, aged, unemployed and injured members are promoted by these and subsequent acts, notably "The Trade Union (Provident Funds) Act of 1893," by which all moneys devoted to such purposes are made exempt from the income tax.

Finally after commenting upon several labor laws of secondary importance, Mr. Howell concludes with a brief summary of the "Conciliation Act of 1896," by which the Board of Trade is empowered to appoint arbitrators to settle labor disputes upon the application of both or even of one of the parties. This last law may be regarded as the natural result of the salutary enactments which have preceded it and under the benign influence of the body of statutes just mentioned the future of organized labor in Great Britain looks bright indeed. The authors of this work are to be sincerely congratulated upon the care and accuracy with which they have written it and also upon the fact that by a judicious treatment of their subject and a facile and fluent style of composition they have made a book which anyone not a lawyer or a sociologist, would expect to find tedious and technical, of vivid interest to readers of all classes.

T. J. G.

ROMAN LAW. By W. H. H. KELKE. London; Sweet & Maxwell.

To the common law lawyer the Roman or Civil law will always possess a peculiar fascination for therein he can discover the genesis of many a well-known doctrine of his own jurisprudence. We think, therefore, that all lawyers, whether of France or England, Pennsylvania or Louisiana will welcome the publication of Mr. Kelke's little book because of the opportunity thus afforded them to obtain a general knowledge of the principles of Roman law with the least possible expenditure of time and trouble. In short, this book is the kernel without the shell and since, so far as we are concerned, our interest in the subject is mainly of an academic nature, the absence of detail, which

characterizes it, is a distinct advantage. Many American lawyers have been frightened out of an intention of studying the Civil law by the mere sight of the thick volumes of hitherto accepted text-books often written in Latin, or when not, so encumbered by copious notes in that tongue that their perusal becomes a formidable task. To such we say take heart and read Kelke.

The method of treatment is as follows, a chapter being devoted to each head: History, Law, Family Tutors and Curators, Property, Wills, Intestacy, Contract, Delict, Procedure.

Especial interest attaches to the subject of "Wills," for it is explanatory of much in our law which is not otherwise easily understood. Possibly in no other part does the common law so strongly resemble the civil as in the law of de cedents' estates, and since in studying the common law alone we often come upon rules based upon theories of the Romans, it is really essential to go back to the original source and ascertain with certainty the "why and wherefore."

We, therefore, commend this work to the profession as a handbook of interest and value.

T. J. G.

WHERE TO LOOK FOR THE LAW. Rochester, N. Y.: Lawyers' Co-Operative Publishing Company.

We are just in receipt of a new edition of this helpful pamphlet and think it deserves a word of commendation. While avowedly an advertisement of the publishers law books and especially of "Lawyers' Reports Annotated," it is also a true index of the location of many often needed authorities and its publishers deserve an expression of thanks and appreciation for having, by issuing it, greatly smoothed the rough path of legal research.

T. J. G.

OWEN'S LAW QUIZZER (SECOND EDITION). By WILBUR A. OWEN, LL. M., of the Toledo (Ohio) Bar. St. Paul: West Publishing Company.

This book has just reached its second edition and appears with little variation from its original form, except that it now embraces the subjects of Sales, Statute of Frauds, Insurance, Executors and Administrators, Criminal Procedure and Damages, which were not covered at first.

To our mind a 'quizzier,' if carefully prepared, is of great value for purposes of review; but care should be taken not to attempt to *learn* the law from such a source. In this case the subjects

treated seem to be covered with as near an approach to completeness as is possible; but it need not be said that it is simply impossible to give anything like comprehensive treatment to twenty-five departments of law in the course of five hundred and eight pages. We do not think that the author pretends to do so and hence while recognizing the value of the work for review and even as a concurrent aid to more exhaustive study, we warn the student to use it merely as a wand for guidance and not as a staff for support. Nearly each answer is supported by the citation of one or more leading text-books; but it is thought that the value of the book would be greatly increased by the citation of leading cases wherever relevant. A well-prepared index accompanies the book.

T. J. G.

THE LAW OF TORTS. By MELVILLE MADISON BIGELOW, Ph. D. Harvard (Seventh Edition). Boston: Little, Brown & Co.

Little need be said with regard to the latest edition of this well-known book, for "Bigelow on Torts" has become a standard work throughout the land. It should be noted, however, that the author now devotes a separate chapter to "Slander of Title" and that he divides the chapter on "Malicious Interference with Contract" of former editions, into two new chapters entitled "Maliciously Procuring Refusal to Contract" and "Procuring Breach of Contract." The separation and consequent enlarged treatment of this subject is, we think, a decided improvement, for the recent, in fact present, labor agitation renders the questions therein discussed of much importance and interest. In conclusion we would say that in our opinion Mr. Bigelow's book is better adapted to the needs of lawyers and students in the United States than is the well-known work of Sir Frederick Pollock or any other foreign authority.

T. J. G.

AN EPITOME OF LEADING CASES IN EQUITY, FOUNDED ON WHITE AND TUDOR'S SELECTION. By W. H. HASTINGS KELKE, M. A. London: Sweet & Maxwell, Limited.

This book is another of Mr. Kelke's epitomes and is characterized by the same ability in condensation and pithiness of statement which are noticeable in its predecessors. Its greatest fault, and we mentioned it in connection with the "Epitome of Personal Property Law," is that of extreme brevity. However, as a means of refreshing the mind with regard to a previously acquired knowledge of English equitable principles it will no doubt give satisfaction to those who desire so to use it.

T. J. G.